Retirement of Sri B. Raghavendra Rao.

Q.—315. Sri R. ANANTARAMAN (Chamarajpet).—

Will the Government be pleased to state :—

(*a*) the reasons for which Sri B. Raghavendra Rao, Assistant Secretary to Government, was retired (a copy of the G.O. retiring this officer from service and his original Service Register may kindly be placed on the Table of this House) ;

(*b*) why no reason has been mentioned in the G.O. retiring the said officer;

(*c*) the date of birth of this officer as entered in his Service Register in 1924 ;

(*d*) the date of birth of this officer as revised and finally accepted by the then Government in 1925-26 as entered in the Service Register ;

(*e*) whether the first date of birth has not been scored out in the Service Register ;

(*f*) whether his revised date of birth has not been accepted by competent authority (the papers relating to the Government Order revising the date of birth of this officer in 1925-26 may kindly be placed on the Table of the House) ;

(*g*) the provision of rule or law under which the present Government is competent to so revise his date of birth ;

(*h*) whether the opinion of the Law Department on the legal and constitutional issues involved in the case of the retirement of this officer was taken before arriving at a decision ;

(*i*) whether his original Service Register was made available to the Law Department at the time of framing a reply to the suit notice issued by the officer during May-June 1953?

A.—Sri K. HANUMANTHAIYA (Chief Minister).—

(*a*) On account of the discrepancy in his date of birth. A copy of the Government Order dated 21st July 1952 is appended. The Service Register is a contemporary record in minute detail of the official career of a Government servant. It cannot, therefore, be placed on the Table of the House, being a record of confidential nature.

(*b*) Not considered necessary.

(*c*) 24th February 1898.

(*d*) 1st March 1899 as corrected—no acceptance.

(*e*) Yes.

(*f*) Does not arise in view of the reply furnished to clause (*d*).

(*g*) Government deemed it necessary for administrative purposes to check up the verification of the dates of birth of Gazetted Officers.

(*h*) Particular cases of individual officers are not referred to the Law Department.

(*i*) Does not arise in view of answer to clause (*a*) above.

ORDER NO. CH.S. 5327—G.E. 13-52-29, DATED BANGALORE, THE 21ST JULY 1952.

Sri B. Raghavendra Rao, B.A., Acting Assistant Secretary to Government, is permitted to retire from service with effect from 1st August 1952.

N. PUTTARANGASWAMY,
Chief Secretary to Government.

Sri R. ANANTARAMAN.—In reply to (*a*), it has been stated that the Service Register cannot be placed on the Table of the House, being a record of a confidential nature. Is it not this reply opposed to Article 370 of the Mysore Service Regulations and Article 173 of the Mysore Financial Code, Volume I ?

*Sri K. HANUMANTHAIYA.—No, Sir.

Sri R. ANANTARAMAN.—Shall I read it ?

Mr. SPEAKER.—Reading from a book or making a statement is not permitted. You may put a question and elicit information. That is all.

Sri R. ANANTARAMAN.—Are not the entries in the Service Register of a Gazetted Officer a public document ?

Sri K. HANUMANTHAIYA.—I have answered the question.

Sri R. ANANTARAMAN.—You have not. The answer is that it is of a confidential nature and so it cannot be placed on the table. Are not the

entries contained in the Service Register of a Gazetted Officer a public document ?

Sri K. HANUMANTHAIYA.—That question has been answered.

Sri R. ANANTARAMAN.—Is not the entry from the Service Registers granted ?

Mr. SPEAKER.—The history of services of gazetted officers in Mysore is published and it is available and anybody can purchase it on payment of the price fixed.

Sri R. ANANTARAMAN.—My complaint is it is not up-to-date. It is an old one.

Mr. SPEAKER.—For which I am not responsible.

Sri R. ANANTARAMAN.—Are not the entries in Service Registers granted to the Gazetted Officers ?

Sri K. HANUMANTHAIYA.—Yes.

Sri R. ANANTARAMAN.—Is not extract of it granted in February 1953?

Sri K. HANUMANTHAIYA.—I want notice.

Sri R. ANANTARAMAN.—With regard to reply to (*b*), is not the retirement either made compulsory, superannuated ?

Sri K. HANUMANTHAIYA.—I did not follow the question.

Sri R. ANANTARAMAN.—Sir, is not the retirement of an officer to be made either as compulsory or superannuated?

Sri K. HANUMANTHAIYA.— Yes.

Sri R. ANANTARAMAN.—If that is so, how is it in this Government Order, no explanation is given ?

Sri K. HANUMANTHAIYA.—In Government Orders, explanations are not given. It is only the Government Order that is communicated.

Sri R. ANANTARAMAN.-Then, is not this reply incomplete ?

Sri K. HANUMANTHAIYA.—That is a matter of opinion.

Sri R. ANANTARAMAN.—With reference to answer (*d*) are not the words " corrected' ' and " no acceptance" self-contradictory ?

Sri K. HANUMANTHAIYA.—No. The correction has been made by the Registrar at that time, that is, in 1927 or so. But no Government Order was issued to that effect. Therefore, it is merely a correction not embodied in a Government Order.

Sri R. ANANTARAMAN.—Does not Rule 45 of Annexure to Mysore Financial Code, Volume I, relate to rules regarding the acceptance of dates of birth ?

Sri K. HANUMANTHAIYA.—That is a matter of interpretation. The Government took a decision about 4 or 5 years back that dates of birth must be reviewed once again. In pursuance of that Government decision, information was called for from schools, colleges and other sources and when information is available, Government takes a decision which is justified under the circumstances.

Sri R. ANANTARAMAN.—You were pleased to say that the correction was made by the Registrar. I want to know whether full enquiry was made in this respect.

Sri K. HANUMANTHAIYA.—I am afraid, not.

Sri R. ANANTARAMAN.-Then, is it not highly irregular to say after 26 years of Government service that there was no acceptance ? Now you say 'no acceptance' !

Sri K. HANUMANTHAIYA.—As I said, the Government took a decision a few years back and cases are being reviewed of all officers, and not merely of this Officer and there are many cases in which the period is equally long.

Sri R. ANANTARAMAN.—Does not Section 45 of the Financial Code say that when once a correction is made, it is conclusive evidence ? If that is so, how is it you have again revoked it ?

Sri K. HANUMANTHAIYA.—I have already answered that question.

Mr. SPEAKER.—This is a different case. It is not in the usual course. But in the altered circumstances when a change is to be effected, it is to be properly attested by the Head of the Department. His question is, has not such a thing taken place in this particular case ?

Sri K. HANUMANTHAIYA.—As I said, merely the Registrar of this Secretariat has made the correction.

Mr. SPEAKER.—There was a question by Sri Nagaraja Murthy during

(Mr. SPEAKER.)

last January wherein the Government have drawn the attention of this Assembly to that very section of the Financial Code, Volume No. I; it must be Section 45 (*c*) or (*d*). He is putting the question based on that rule.

Sri R. ANANTARAMAN.—Yes. Coming to answer (*h*).....

Mr. SPEAKER.—But you are canvassing so much for an individual officer!

Sri R. ANANTARAMAN.—I am not canvassing.

Mr. SPEAKER.—You may go on with one or two more supplementaries.

Sri R. ANANTARAMAN.—With reference to answer (*h*), it is stated that particular cases of individual officers are not referred to the Law Department. Does not the case of this particular officer involve legal and constitutional issues?

Sri K. HANUMANTHAIYA.—There were none.

Sri R. ANANTARAMAN.—Are you not aware that on 3-12-1952 the Hon'ble the Home Minister had ordered that it may be referred to the Law Department?

Sri K. HANUMANTHAIYA.—Notice.

Sri R. ANANTARAMAN.—Even now, will you kindly promise that this will be referred to the Law Department?

Sri K. HANUMANTHAIYA.—It will not be promised and you may take it as finally settled that this case will never be reopened.

Sri S. SRINIVASA IYENGAR.—The age as corrected in the Service Register was 1st March 1899 and the Government were pleased to say that it has not been accepted. Did not Government adopt this as the correct age for giving promotions, leave and other things?

Sri K. HANUMANTHAIYA.—Until a subsequent decision was taken, whatever had to be given on the basis of the previous date of birth was given.

Sri S. SRINIVASA IYENGAR.—For the Government Order which purports to retire him from 1st of August 1952, what was the age that was adopted?

Sri K. HANUMANTHAIYA.—The age is mentioned in the Government Order.

Sri S. SRINIVASA IYENGAR.—The Government Order does not make mention of the age.

Sri K. HANUMANTHAIYA.—I will give you the date. It is 1st August 1952.

Sri S. SRINIVASA IYENGAR.—That is the retirement date. What was the date kept in view by the Government to fix that date as the date on which he has been permitted to retire?

Sri K. HANUMANTHAIYA.—His date of birth as entered in the school register was the basis on which we came to a decision.

Sri S. SRINIVASA IYENGAR.—Sir, have not the Government stated that the authority on which date of birth has been accepted to start with is the presentation of the horoscope which is final?

Sri K. HANUMANTHAIYA.—So far as horoscopes are concerned, they cannot be taken as conclusive proof and the Government now find that many a horoscope cannot be relied upon.

Sri S. SRINIVASA IYENGAR.—Sir, you were pleased to say that you got that figure from the College. May I request the Government to let me know whether they did really look into the admission form of the College which they have in mind?

Sri K. HANUMANTHAIYA.—I have no idea. I want notice. We received information from the College and we have based our decision on that information.

Sri S. SRINIVASA IYENGAR.—Did the Hon'ble the Chief Minister grant him an interview in this connection, Sir?

Sri K. HANUMANTHAIYA.—I remember to have given him an interview.

Sri S. SRINIVASA IYENGAR.—Will the Hon'ble Chief Minister be pleased to say whether he assured him that this matter will be looked into?

Sri K. HANUMANTHAIYA.—That is a lie that he is propagating.

Sri S. SRINIVASA IYENGAR.—Will the Hon'ble the Chief Minister be pleased to examine whether the connected papers have been preserved or whether they have been destroyed?

Sri K. HANUMANTHAIYA.—There is no need for such an examination, because when the Government came to a decision, it took all the available records into consideration.

Sri S. SRINIVASA IYENGAR.—My point is, the Government have not looked into all these things. I am not advocating for the particular individual. Will the Government please look into this, because it affects all the gazetted officers as such. If in general the dates of birth of all these people that are now employed in Government are to be questioned from time to time, there will be no sense of security. Therefore, will the Government at least in the interest of this sense of security, look into this matter ?

Mr. SPEAKER.—It has been answered that it was thoroughly examined.

Sri M. V. RAMA RAO.—May I know how the genuineness of the horoscopes is examined by the Government ?

Sri K. HANUMANTHAIYA.—Horoscopes are prepared by the parties themselves and therefore, it is not conclusive proof.

Sri M. V. RAMA RAO.—I want to know, how do the Government examine the genuineness of the horoscopes ?

Sri K. HANUMANTHAIYA.—That is exactly the reason. Since we are not sure about the genuineness, it is not possible to base our decision solely on that.

Sri M. V. RAMA RAO.—What is the extent of reliance that the Government have placed on the horoscopes ?

Sri K. HANUMANTHAIYA.—It will be a corroborative evidence. The date of birth is given in the primary school, middle school or college. There are so many dates of birth given and which of them is most probable will be taken as the date of birth for purpose of civil list.

Sri M. V. RAMA RAO.—What is the designation of the particular officer who investigates this genuineness of the horoscopes of the Government Officers ?

Sri K. HANUMANTHAIYA.—The facts are placed before the Cabinet and it is the Cabinet as a whole that takes a decision.

Sri M. V. RAMA RAO.—May I congratulate the Government on the equipment in horoscope reading, Sir ?

Ancient Monuments : Preservation.

Q.—215. Sri P. R. RAMAIYA (Basavangudi).—

Will the Government be pleased to state :—

(*a*) how many ancient monuments in the State have been declared national monuments and what are they ;

(*b*) whether there is a list of monuments other than those declared national ;

(*c*) what are the arrangements made by Government to look after the monuments which are not declared national, and who is the officer looking after them ;

(*d*) whether they have been contemplating the idea of integrating the State Department of Archæology with the existing staff with the Centre ?

A.—Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—

(*a*) 108 ancient monuments and 9 ancient sites have been declared as of national importance.

(*b*) Yes. List of ancient monuments and sites other than those declared as national appended.

(*c*) The Department of Archæology is still looking after the monuments not declared national and conservation work in respect of these monuments is arranged for through the Public Works Department.

(*d*) The matter is under consideration of Government.